

APPEAL NO. 022171
FILED OCTOBER 11, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 6, 2002. With respect to the single issue before her, the hearing officer determined that the compensable injury of _____, includes chondromalacia of the patellofemoral joint, chondral flap tear of the lateral femoral condyle, and tears of the posterior horn of the medial meniscus and lateral meniscus in the right knee. The appellant (self-insured) appealed the hearing officer's extent-of-injury determination on sufficiency grounds. The claimant did not file a response or appeal the determination that the compensable injury does not include chondromalacia of the undersurface of the patella secondary to lateral tracking.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury includes chondromalacia of the patellofemoral joint, chondral flap tear of the lateral femoral condyle, and tears of the posterior horn of the medial meniscus and lateral meniscus in the right knee. That issue presented a question of fact for the hearing officer. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. There was conflicting evidence on the issue of whether the claimant's compensable injury included the conditions at issue herein. The claimant's treating doctor and a required medical examination (RME) doctor selected by the Texas Workers' Compensation Commission (Commission) opined that there was a causal connection between the claimant's compensable injury and the chondromalacia of the patellofemoral joint, chondral flap tear of the lateral femoral condyle, and tears of the posterior horn of the medial meniscus and lateral meniscus in the right knee. However, a peer review doctor retained by the self-insured opined that those conditions were degenerative in nature and were not causally related to the claimant's fall at work. The hearing officer was acting within her province as the fact finder in crediting the evidence from the claimant's treating doctor and the Commission's RME doctor and in determining that the compensable injury includes chondromalacia of the patellofemoral joint, chondral flap tear of the lateral femoral condyle, and tears of the posterior horn of the medial meniscus and lateral meniscus in the right knee. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Margaret L. Turner
Appeals Judge